

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALAN T. SMITH,

Defendant.

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Case No. 08-03146-05-CR-S-GAF

PRELIMINARY ORDER OF FORFEITURE

The matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. The Forfeiture Allegation sought forfeiture of a 2007 Chevrolet Corvette, VIN: 1G1YY36U675119684.

On August 6, 2009, defendant Alan T. Smith entered into a Plea Agreement with the United States wherein he agreed to plead guilty to the charge contained in the Information and agreed to forfeit to the United States the property described above and in the Forfeiture Allegation of the Information.

The Court has determined, based upon the evidence set forth in the Plea Agreement of defendant Alan T. Smith, that the United States has established the requisite nexus between the described property and the offense to which defendant Smith has pled guilty.

By virtue of the Plea Agreement, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property pursuant to 21 U.S.C. § 853(n).

Accordingly, it is hereby **ORDERED**:

1. Based upon the Plea Agreement and the Forfeiture Allegation contained in the Information, a 2007 Chevrolet Corvette, VIN: 1G1YY36U675119684, is hereby forfeited to the

United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n).

2. Upon Entry of this Order, the Attorney General or his designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).

3. Pursuant to 21 U.S.C. § 853(n), the United States shall publish for 30 consecutive days on the Internet site www.forfeiture.gov, notice of this Order, notice of the United States' intent to dispose of the property in such a manner as the Attorney General may direct, and notice that any person, other than defendant Alan T. Smith, having or claiming a legal interest in the above-described property must file a petition with the Court (and serve a copy on Cynthia J. Hyde, Assistant United States Attorney), within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the Defendant at the time of sentencing (or before if the Defendant consents) and shall be part of the sentence and included in the judgment.

5. The United States may conduct any discovery it considers necessary to identify, locate, or dispose of the property subject to forfeiture or substitute assets for such property.

6. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture in which all interests will be addressed.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: August 14, 2009